



THE JHARKHAND GAZETTE EXTRAORDINARY PUBLISHED BY AUTHORITY

No.21

17 Agrhayn, 1938 (S)

Ranchi Thursday 8th December, 2016

Notification

28th September, 2016

No. 54 --In exercise of powers conferred by Section 181 read with relevant provisions of Sections 39, 40, 42 and 49 of the Electricity Act, 2003 and all other powers enabling in this behalf and after previous publication, Jharkhand State Electricity Regulatory Commission hereby makes the following Regulations, namely:-

CHAPTER I:

Preliminary

Short title, commencement and extent

These Regulations shall be called 'Jharkhand State Electricity Regulatory Commission (Terms and Conditions for Intra-State Open Access) Regulations, 2016'.

These Regulations shall extend to the whole State of Jharkhand.

These Regulations shall come into force on the date of its publication in the Jharkhand Gazette and unless reviewed or amended or extended by the Commission, and shall remain in force upto 31st March, 2020.

Scope and extent of application

These regulations shall apply where an application has been made for grant of connectivity for the purpose of Open Access to the intra-State transmission and/ or distribution system and or where an application has been made for Long Term Open Access (LTOA), Medium Term Open Access (MTOA) or Short Term Open Access (STOA) for use of the intra-State transmission and/ or distribution system including when such system is used in conjunction with inter-State transmission system.

Provided that a generating station, including captive generating plant, or a Consumer/ person shall not be eligible to apply for LTOA or MTOA or STOA unless it has the Connectivity or it applies for Connectivity to the intra-State transmission or distribution system as the case may be.

Provided further that, a person may apply for Connectivity as well as LTOA or MTOA or STOA simultaneously.

A Consumer/ person whose premises are situated within the area of supply of a distribution licensee, seeking to receive supply from a person other than the distribution licensee of its/ his area of supply; a generating company (including captive generating plant) or licensee seeking to supply to a Consumer/ person in the State, would need to apply for Open Access under these Regulations.

Definition

In these regulations, unless the context otherwise requires:

“**Act**” means the Electricity Act, 2003 (36 of 2003) and subsequent amendment thereof;

“**Applicant**” means any licensee or Consumer or a person engaged in generation of power or a person other than Consumer who has made an application as per these regulations to the Nodal Agency seeking Connectivity or Open Access as the case may be;

“**Central Commission or CERC**” means the Central Electricity Regulatory Commission referred to in subsection (1) of section 76 of the Act;

“**Commission or JSERC** ” means the Jharkhand State Electricity Regulatory Commission;

“**Connection Agreement**” means an agreement between State Transmission Utility (STU), intra-State transmission licensee other than STU, if any and or distribution licensee and an applicant, setting out the terms relating to Connectivity to the intra-State transmission system and/or distribution system;

“**Connectivity**” means the state of getting connected to the intra-State transmission and /or Distribution System;

“**Consumer**” shall carry the same meaning as in the Act, but shall be restricted to such Consumers within the State of Jharkhand to whom these regulations shall apply;

“Contract Demand” means demand in kilovolt ampere (kVA) or megavolt ampere (MVA) as mutually agreed between the distribution licensee and the Consumer as entered into the agreement for supply of electricity;

“Day” means a day starting at 00.00 hours and ending at 24.00 hours of any calendar date of Gregorian calendar;

“Detailed Procedure” means the detailed procedure laid down by the Nodal Agency pursuant to these regulations and approved by the Commission;

“Embedded Open Access Consumer” means a Consumer who has a supply agreement with the distribution licensee in whose area of supply the Consumer is located and avails the option of drawing power from any other person under Open Access, during a day or more in any month or more than one month during the year, without ceasing to be a Consumer of the said distribution licensee and continues to pay various charges defined by the Commission as applicable to relevant Consumer category.

“Imbalance” in a time block for a generating station means its total actual generation minus its total scheduled generation and for an Open Access Consumer means its total actual drawal minus total scheduled drawal.

“Interconnection Facilities” means interconnection facilities at interconnection point in respect of generating station or Consumer / licensee or applicant, without limitation, inclusive of all facilities such as switching equipment, control, protection and metering devices etc. for the dedicated feeder bay, owned by the applicant or by an intra-State transmission licensee or distribution licensee, as the case may be, and located in the premises / switchyard of the STU or transmission licensee or distribution licensee or generating station or Consumer or applicant to enable power interchange through the intra-State transmission and or distribution system;

“Interconnection Point” means the interface point(s) at which the generating plant / electrical plant and or electric line, including inter-connection facilities, of the applicant or Open Access Consumer or the intra-State transmission licensee, other than the STU, is connected to the intra-State transmission system and or distribution system. However, in case of solar photovoltaic and wind energy generating station the point of Connectivity shall be line isolator on outgoing feeder on HV side of the pooling station, and for solar thermal generating station, the point of Connectivity shall be line isolator on outgoing feeder on HV side of generator transformer.

“Interface Meters” means interface meters installed in accordance with the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006 and as amended from time to time;

“Limited Short Term Open Access Consumer” or **“LSTOAC”** means a Consumer who has a supply agreement with the distribution licensee in whose area of supply the Consumer is located and avails Open Access in distribution and / or transmission system only during pre-scheduled load shedding due to shortage of power.

“Long Term Open Access or LTOA” means the right to use the Intra-State transmission and/ or distribution system for a period exceeding 12 years but not exceeding 25 years;

“Medium Term Open Access or MTOA” means the right to use the Intra State Transmission and /or distribution system for a period exceeding 3 months but not exceeding 3 years;

“Meter” means a device suitable for measuring, indicating or recording consumption of electricity or any other quantity related to an electrical system and shall include, wherever applicable, other equipment such as current transformer, potential transformer, voltage transformer or capacitor voltage transformer with necessary wiring and accessories for such purpose.

“Month” means a calendar month as per the Gregorian calendar;

“Nodal Agency” means the nodal agency referred to in these regulations;

“Open Access” means the non-discriminatory provision for the use of transmission lines or distribution system or associated facilities with such lines or system by any licensee or Consumer or a person engaged in generation of electricity in the State in accordance with these regulations;

“Open Access Consumer” means any licensee or Consumer or buyer or a person engaged in generation who has been granted Open Access in accordance with these regulations;

“Short Term Open Access or STOA” means Open Access for a period up to one (1) month at a time;

“SLDC” means State Load Despatch Centre established under section 31 of the Act.

“Stranded Distribution Capacity” means the distribution capacity which is likely to remain unutilized due to relinquishment of access rights by a LTOA Consumer in accordance with these regulations;

“Stranded Transmission Capacity” means the transmission capacity in the intra-State transmission system which is likely to remain unutilized due to relinquishment of access rights by a LTOA Consumer in accordance with these regulations;

“State” means the State of Jharkhand;

“Grid Code” means the Grid Code specified by the Commission under Clause (h) of sub-section (1) of section 86 of the Act or the Indian Electricity Grid Code as specified by CERC as applicable on the date of commencement of these regulations;

“Unscheduled Interchange” means the unscheduled interchange of energy as mentioned in the Indian Electricity Grid Code / CERC regulations/ DSM regulations;

“Year” means a financial year.

Words or expressions used in these regulations and not defined herein but defined in the Act or the State Grid Code and subsequent amendments thereof or any other regulations specified by the Commission shall, unless the context otherwise requires, have the same meaning as assigned to them under the Act or the State Grid Code or other regulations specified by the Commission, as the case may be.

Coordination committee and detailed procedure

The STU shall constitute a Coordination Committee within one (1) month from the date of notification of these regulations. The Coordination Committee shall have a nominee each of the distribution licensee, transmission licensee and the SLDC. The nominee of the STU shall be the Chairperson of the Coordination Committee.

The Coordination Committee shall facilitate timely approval of Connectivity and Open Access application(s) and exchange of information when network of more than one licensee is involved in the Open Access transactions. The Coordination Committee shall frame rules for the conduct of its business and also the detailed procedure for grant of Connectivity and Open Access. The rules for conduct of its business and the detailed procedure, consistent with provisions of these regulations and the provisions of State Grid Code, shall be submitted by the Coordination Committee to the Commission for approval within sixty (60) days from the date of notification of these regulations.

Till such time the rules for the conduct of business of Coordination Committee and detailed procedure for grant of Connectivity and intra-state Open Access is approved by the Commission, Connectivity and intra-state Open Access shall continue to be granted as per the existing procedure, which shall, however, not be inconsistent with the provisions of these regulations.

The STU, with the assistance of the distribution licensee, shall prepare the detailed procedure and various formats for application, approval, agreement, etc. and may adopt the formats provided along with the model terms and conditions of intra-State Open Access regulations approved by the Forum of Regulators with suitable amendments so as to make all the formats consistent with the provisions of the Act and these regulations.

The person seeking application form for Connectivity or intra-State Open Access shall also be provided a copy of the detailed procedure along with each application form. The application form and detailed Procedure shall be given on payment of nominal charges of INR 200/-. However, in case of subsequent application, detailed procedure may not be required to be given along with the application form but a copy of subsequent amendment, if any, shall be provided to the existing or prospective Open Access Consumers.

CHAPTER II:

GRANT OF CONNECTIVITY

Eligibility for Connectivity

A Consumer or a person or a generating station or a captive generating plant shall be provided connectivity in line with the norms specified for providing electricity supply in **Regulation A4** of the JSERC (Electricity Supply Code) Regulations, 2015.

Provided that in case where Connectivity cannot be given at the voltage level specified in this regulation due to non-availability of requisite system or on account of some system / technical constraints then Connectivity shall be given at an appropriate voltage level irrespective of the load of the Consumer or the installed capacity of a generating station seeking the Connectivity.

Provided further that in case of the Consumer or a generating station already connected either to transmission system or the distribution system at voltage level other than that specified in this regulation then such Consumer or the generating station shall continue to remain connected at the same voltage level.

Application procedure for Connectivity to intra-State transmission system

Applicant shall apply to the STU for Connectivity in the format prescribed in the detailed procedure to be laid down by the STU. The STU shall prescribe the procedure within a period of **thirty (30) days** from the coming into force of these Regulations.

The application shall be accompanied by non-refundable fee, as prescribed from time to time, in the form prescribed in the detailed procedure by the STU. However, till the time such fee is prescribed in detailed procedure, it shall be **Rs. 2,00,000/- (Rupees Two Lakhs)** per application.

The Application for Connectivity shall contain details such as proposed geographical location of the applicant, quantum of power to be interchanged that is the quantum of power to be injected in the case of a generating station including a captive generating plant and quantum of power to be drawn in the case of Consumer, with the intra-State transmission system and such other details as may be laid down by the State Transmission Utility in the detailed procedure.

Provided that in cases where once an application has been filed and thereafter there has been any material change in the location of the applicant or change by more than 10% (ten percent) in the quantum of power to be interchanged with the intra-State transmission system, the applicant shall make a fresh application, which shall be considered in accordance with these Regulations.

Processing of Application and Grant of Connectivity by STU/ transmission licensee

On receipt of the application, complete in all respects along with supporting data, the STU shall, in consultation and through coordination with other agencies involved in the intra-State transmission, process the application and carry out the necessary interconnection/feasibility study as specified in the Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2010 and as amended from time to time and State Grid Code.

The State Transmission Utility shall, within sixty (60) days, from the receipt of an application under these regulations and after considering all suggestions and comments received from other agencies involved in the intra-State transmission including State Load Despatch Centre:

Accept the application with such modification or such conditions as may be specified by them;

Reject the application for reasons to be recorded in writing if such application is not in accordance with the provisions of these Regulations.

In case of acceptance of an application as per clause (a) above, the State Transmission Utility shall make a formal offer to the applicant:

Provided that the State Transmission Utility shall forward a copy of the offer to the appropriate intra-State transmission licensee in case Connectivity is granted to the intra-State transmission system of an intra-State transmission licensee other than the State Transmission Utility.

The State Transmission Utility, upon compliance of the required conditions by the applicant and intra-State transmission licensees including the State Transmission Utility, shall inform the concerned applicant that it can be connected to the intra-State transmission system.

While granting Connectivity, the STU shall specify the name of the sub-station or pooling station or switchyard where Connectivity is to be granted. In case Connectivity is to be granted by looping-in and looping-out of an existing or proposed line, the STU shall specify the point of connection and name of the line at which Connectivity is to be granted. The STU shall indicate the broad design features of the dedicated transmission line and the timeframe for completion of the dedicated transmission line.

The Applicant shall sign a connection agreement with the State Transmission Utility or intra-State transmission licensee, as the case may be, owning the sub-station or pooling station or switchyard or the transmission line as identified by the STU where Connectivity is being granted:

Provided that in case of a generating station, including captive generating plant or Consumer is granted Connectivity to the intra-State transmission system of an intra-State transmission licensee other than the STU, a tripartite agreement as provided in the Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007, as amended, shall be signed between the applicant, the STU and such intra-State transmission licensee:

Provided further the State Load Despatch Centre shall also be provided with a copy of the above mentioned Connection Agreement by the STU/ intra-State transmission licensee.

The applicant and all intra-State transmission licensees including the State Transmission Utility shall comply with the provisions of State Grid Code and the Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2010, as amended. The grant of Connectivity shall not entitle an applicant to interchange any power with the grid unless it obtains LTOA, MTOA or STOA in accordance with the provisions of these regulations.

A generating station, including captive generating plant which has been granted Connectivity to the grid shall be allowed to undertake testing including full load testing by injecting its infirm power into the grid before being put into commercial operation. This would be done before availing any type of Open Access but after obtaining permission of the State Load Despatch Centre, which shall keep grid security in view while granting such permission. Such infirm power injected into the grid by a generating station or a unit thereof, other than those based on non-conventional energy sources, the tariff of which is determined by the Commission, shall be charged at the rates for imbalance settlement as determined by the Commission **under JSERC (Balancing & Settlement Mechanism for Open Access) Regulations, 2010 and as amended from time to time.**

Unless exempted by the Commission for reasons to be recorded in writing, an applicant may be required by the State Transmission Utility to construct a dedicated line to the point of connection to enable Connectivity to the grid, the cost of such line and bay shall be borne by the applicant. In cases where augmentation of the 132 kV/ 220 kV line feeding the substation is required the same shall also be borne by the applicant.

Application procedure for Connectivity to distribution system

Connectivity to distribution system by any person and processing of application shall be governed as per the provisions of Supply Code and Conditions of Supply approved by the Commission.

All eligible generating stations including a captive generating plant, or Consumer seeking Connectivity to the distribution system, shall apply to the distribution licensee for Connectivity in the format prescribed in the procedure to be laid down by the distribution licensee.

The distribution licensee shall prescribe the procedure within a period of **thirty (30) days** from the coming into force of these regulations.

The application shall be accompanied by non-refundable fee, as prescribed from time to time, in the form prescribed in the detailed procedure. However, till the time such fee is prescribed in detailed procedure, it shall be Rs. 2,00,000/- (Rupees two lakh) per application.

The application for Connectivity shall contain details such as proposed geographical location of the generating station, quantum of power to be injected and such other details as may be laid down by the distribution licensee concerned in the procedure.

Processing of Application and Grant of Connectivity to distribution system

On receipt of the application, complete in all respects along with the supporting data, the distribution licensee shall, in consultation and coordination with State Transmission Utility, process the application and carry out the necessary inter-connection study as specified in the Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2010 and as amended from time to time and the State Grid Code.

While granting Connectivity, the distribution licensee shall specify the name of the sub-station or pooling station or switchyard where Connectivity is to be granted. In case Connectivity is to be granted by looping-in and looping-out of an existing or proposed line, the distribution licensee shall specify the point of connection and name of the line at which Connectivity is to be granted.

The distribution licensee shall indicate the broad design features such as switchyard and interconnection facility upto the point of injection/ drawl into/ from the substation of the distribution licensee and the timeframe for completion of the same. The cost of creation of these facilities shall be borne by the generating company or Consumer. In cases where augmentation of the distribution licensee's sub-station is involved, the generating company or Consumer shall also bear the cost of bay, breaker in the distribution licensee's sub-station and equipment for inter-connection of real time data to SLDC.

The applicant shall sign a Connection Agreement with the distribution licensee where Connectivity is being granted.

The grant of Connectivity shall not entitle an applicant to interchange any power with the grid unless it obtains LTOA, MTOA or STOA in accordance with the provisions of these regulations.

A generating station, including captive generating plant which has been granted Connectivity to the distribution system shall be allowed to undertake testing including full load testing by injecting its infirm power into the grid before being put into commercial operation, even before availing any type of Open Access but after obtaining permission of the State Load Despatch Centre and the distribution licensee. They shall keep grid security in view while granting such permission. Such infirm power injected into the grid by a generating station or a unit thereof, other than those based on non-conventional energy sources, the tariff of which is determined by the Commission, shall be charged at the rates for imbalance determined by the Commission from time to time.

CHAPTER III:

General Provisions for Open Access

Eligibility for Open Access and conditions to be satisfied

Subject to the provisions of these regulations, the licensees, generating companies, captive generating plants and Consumers shall be eligible for Open Access to the intra-State transmission system of the State Transmission Utility or any intra-State transmission licensee on payment of transmission and other charges as may be determined by the Commission pursuant to these regulations.

Subject to the provisions of these regulations, the licensees, generating stations, captive generating plants and Consumers shall be eligible for Open Access to distribution system of a distribution licensee on payment of the wheeling and other charges as may be determined by the Commission pursuant to these regulations.

Subject to the provisions of these Regulations, Open Access shall be permissible to all Consumer having demand of 1 MW and above (except generating plants):

Provided that when a person, who has established a captive generating plant, opts for Open Access for carrying the electricity to the destination of his own use, the limitation of 1 MW shall not be applicable;

Provided further that duties of the distribution licensee with respect of such Open Access Consumers shall be of a common carrier providing non-discriminatory Open Access as per section 42(3) of the Act;

Provided that the Commission may allow Open Access to Consumers seeking Open Access for capacity less than 1 MW at such time as it may consider feasible having regards to operational constraints.

A person having been declared insolvent or bankrupt or having outstanding dues against him for more than two months billing of distribution/transmission licensee at the time of application shall not be eligible for Open Access.

The Open Access Consumer/ generator shall have to install ABT compliant meters at their place for energy accounting and Remote Terminal Unit (RTU) to facilitate SLDC in real time monitoring, which shall be duly certified by the licensee concerned.

Subject to the provisions of these Regulations, consumers who are connected at 33 kV or below Sub Station or connected on common feeder irrespective of their voltage of supply, shall be allowed open access subject to the condition that they agree to rostering restrictions including power cut imposed by the licensee on the feeders serving them.

No power cut shall be imposed by the licensee on open access consumers who are on independent feeders connected to 66 kV or above Grid Sub Station irrespective of their supply voltage to the extent of power availed through open access.

Provided that in case power is drawn from the licensee beyond the scheduled power during power cut period, the licensee shall bill the excess energy drawn during this period at four (4) times the tariff applicable to that consumer category. The licensee may also disconnect the feeders if system conditions so warrant and no compensation shall be paid for the un-utilized open access power. The supply shall be restored on submission of written undertaking to adhere to the schedule. In case the default persists for a continuous period of 3 days, the facility of open access shall be liable to be withdrawn for a month.

The consumers availing single point supply from the distribution licensee and making electricity available to multiple users shall not be eligible to avail open access.

Special Provisions for existing distribution licensees

The distribution licensees using intra-State transmission system and/or the distribution system in the State on the date of coming into force of these Regulations under an existing arrangement shall be entitled to continue to avail Open Access on such transmission and/or distribution system on the existing terms and conditions on payment of transmission charges and/or the wheeling charges and other applicable charges as may be determined by the Commission from time to time;

Provided that in case any distribution licensee was permitted/ authorized by the State Government to supply energy to any person outside the area of supply under Section 27 of the Indian Electricity Act, 1910 (now repealed by the Act), there will be no surcharge applicable till the current validity of such consent /authorization.

The existing distribution licensees shall, within thirty (30) days of coming into force of these Regulations, furnish to the State Transmission Utility and the State Load Despatch Centre, details of use of their transmission system and/or the distribution system and the terms and conditions for such use.

Provisions for existing Consumers and generating companies availing Open Access

The existing Consumer or a generating company including existing sellers/ captive generating plants other than the distribution licensees availing Open Access under some agreements or government policy on the date of coming into force of these regulations shall submit to the State Transmission Utility and the State Load Despatch Centre details of capacity utilized, point of injection, point of drawal, duration of availing Open Access, peak load, average load and such other information as the State Transmission Utility or the State Load Despatch Centre may require, within 30 days of coming into force of these Regulations. The existing Consumer or a generating company including existing sellers/ captive generating plants may continue to avail Open Access on the terms and conditions of the policy of the State Government or the agreement till the current validity of the policy / agreement.

However, in cases where Open Access is currently being availed are not covered by any policy directive by the State Government or an existing agreement, Open Access shall be provided on payment of charges prescribed by Commission pursuant to these regulations.

Criteria for granting Long Term OPEN Access or Medium Term Open Access or Short Term Open Access

The LTOA shall be allowed in accordance with the transmission system planning criteria and the distribution system planning criteria stipulated in the State Grid Code, or as specified by the Commission from time to time;

MTOA shall be granted if the resultant power flow can be accommodated in the existing transmission system and the distribution system;

A Consumer shall be eligible for STOA over the surplus capacity available on the intra-State transmission system/ distribution system after use by LTOA Consumers and MTOA Consumers, by virtue of:

Inherent Design Margins;

Margins available due to variation in power flows; and

Margins available due to in-built spare transmission/ distribution capacity created to cater to future load growth.

Provided, that construction of a dedicated transmission line/ distribution system shall not be construed as augmentation of the transmission system/ distribution system for the purpose of this regulation.

CHAPTER IV:

APPLICATION PROCEDURE AND APPROVAL

Categories of Open Access Consumers

The application procedure, application fee and the time frame of processing request by eligible Consumers seeking Open Access shall be based on the following criteria:

System to which connected:

- i. Intra-State transmission system
- ii. Distribution system

Inter-se location of drawal and injection points:

- i. Both within the same distribution system
- ii. Injection/ drawl point at the intra-State transmission system
- iii. In different distribution systems within the State

Duration of Open Access:

- i. Long-term Open Access
- ii. Medium-term Open Access
- iii. Short-term Open Access

Type of transaction:

- i. Collective transactions through Power Exchange(s)
- ii. Bilateral transactions as per mutual negotiation

Application procedure for Open Access

All applications for Open Access shall be made in the prescribed format and submitted to the Nodal Agency in accordance with these regulations.

All applicants seeking Open Access shall submit an undertaking of not having entered into Power purchase agreement (PPA) or any other bilateral agreement with more than one person for the capacity (quantum of power) for which Open Access is sought.

Subject to the provisions of these regulations, the Nodal Agency, application fee, documents to accompany the application and time frame for disposal of application shall be as specified in the following table:

Sl. No.	Particulars	Short term	Medium term	Long term
1.	Nodal Agency:			

a)	<i>Intra-State:</i> In case injection and drawl points are within the State whether on transmission system or on distribution system or on systems of different distribution licensees or different transmission licensees	SLDC	SLDC	STU
b)	<i>Inter-State:</i> In case injection and drawl points are in different States	RLDC	CTU	CTU
2.	Application fee:			
a)	<i>For Intra-state open access</i>	Rs 5,000	Rs 1,00,000	Rs 2,00,000
b)	<i>For Inter-state open access</i>	As determined by CERC from time to time		
3.	Time frame for disposal of application from the date of receipt of application complete in all respects			

a)	<i>For Intra-state open access</i>	<p>i) 7 working days if applied for first time and 5 working days on subsequent applications if connection being sought is on system of intra-State transmission licensee.</p> <p>ii) 10 working days if applied for first time and 5 working days on subsequent applications if connection being sought is on system of distribution licensee</p>	40 days	<p>i) 40 days if the Open Access is required within the system of same distribution licensee and no augmentation work of distribution system is involved.</p> <p>ii) In all other cases 120 days in case no augmentation work of distribution system or transmission system is involved and 180 days or actual number of days as may be required, whichever is earlier, in case augmentation work of transmission system or distribution system is involved</p>
b)	<i>For Inter-state open access</i>	As per CERC regulations and as amended from time to time		
4.	Documents to accompany the application			
a)	<i>For Intra-state open access</i>	As per the requirements detailed in Section A15 of these regulations		
b)	<i>For Inter-state open access</i>	As per CERC regulations and as amended from time to time		

Applications for Open Access and Connectivity shall be received and processed at headquarters of the Nodal Agency in accordance with the detailed procedure.

Procedure for LTOA/ MTOA involving inter-State transmission system:

Notwithstanding anything contained in these regulations, procedure for inter-State LTOA/ MTOA shall be as per Central Electricity Regulatory Commission (Grant of Connectivity, Long Term Access and Medium Term Open Access in inter-State Transmission and related matters) Regulations, 2009 or its statutory re-enactments as amended from time to time:

Provided that in respect of a Consumer connected to a distribution system seeking inter-State LTOA/ MTOA, the SLDC, before giving its consent to the CTU as required under the Central Commission's regulations, shall require the Consumer to submit the consent of the distribution licensee concerned.

Procedure for LTOA involving intra-State transmission system:

Subject to the provisions of these regulations, intra-State LTOA involving intra-State transmission system shall be in accordance with the provisions given herein below.

The application for grant of LTOA shall contain details such as name of the entity or entities from whom electricity is proposed to be procured or to whom to be supplied along with the quantum of power and such other details as may be laid down by the State Transmission Utility in the detailed procedure:

Provided further that in cases where there is any material change in location of the applicant or change by more than 10 percent in the quantum of power to be interchanged using the intra-State transmission system, a fresh application shall be made, which shall be considered in accordance with these regulations.

The applicant shall submit any other information sought by the Nodal Agency including the basis for assessment of power to be interchanged using the intra-State transmission system and power to be transmitted to or from various entities or regions to enable the Nodal Agency to plan the intra-State transmission system in a holistic manner.

The application shall be accompanied by a bank guarantee in favor of the Nodal Agency in the manner laid down under the detailed procedure. However, till the time it is prescribed in detailed procedure, it shall be Rs 10,000/- (ten thousand) per MW of the total power to be transmitted.

The bank guarantee shall be kept valid and subsisting till the execution of the LTOA agreement, in the case when augmentation of transmission system is required, and till operationalization of LTOA when augmentation of transmission system is not required.

The bank guarantee may be encashed by the Nodal Agency, if the application is withdrawn by the applicant or the LTOA rights are relinquished prior to the operationalization of such rights when augmentation of transmission system is not required.

The aforesaid bank guarantee will stand discharged with the submission of bank guarantee required to be given by the applicant to the State Transmission Utility during construction phase when augmentation of transmission system is required, in accordance with the provisions in the detailed procedure.

On receipt of the application, the Nodal Agency shall, in consultation and through coordination with other agencies involved in intra-State transmission system to be used, process the application and carry out the necessary system studies as expeditiously as possible so as to ensure that the decision to grant LTOA is arrived at within the timeframe specified in these regulations:

Provided that in case the Nodal Agency faces any difficulty in the process of consultation or coordination, it may approach the Commission for appropriate directions.

Based on the system studies, the Nodal Agency shall specify the intra- State transmission system that would be required to give LTOA. In case augmentation to the existing intra-State transmission system is required, the same will be intimated to the applicant.

While granting LTOA, the Nodal Agency shall communicate to the applicant, the date from which LTOA shall be granted and an estimate of the transmission charges likely to be payable based on the prevailing costs, prices and methodology of sharing of transmission charges specified by the Commission.

The applicant shall sign an agreement for LTOA with the State Transmission Utility in case LTOA is granted by the State Transmission Utility, in accordance with the provision as may be made in the detailed procedure. While seeking LTOA to an intra-State transmission licensee, other than the State Transmission Utility, the applicant shall sign a tripartite LTOA agreement with the State Transmission Utility and the intra-State transmission licensee, if involved. The LTOA agreement shall contain the date of commencement of LTOA, the point of injection of power into the grid and point of drawal from the grid and the details of dedicated transmission lines, if any, required. In case augmentation of transmission system is required, the LTOA agreement shall contain the time line for construction of the facilities of the applicant and the transmission licensee, the bank guarantee required to be given by the applicant and other details in accordance with the detailed procedure.

Immediately after grant of LTOA, the Nodal Agency shall inform the State Load Despatch Centre so that it can consider the same while processing requests for grant of STOA, received under these regulations.

On the expiry of the period of LTOA, the same shall stand extended on a written request by the Consumer, to the Sate Transmission Utility, submitted at least six months prior to such expiry, mentioning the period for which extension is required:

Provided that in case no written request is received from the Consumer within the timeline specified above, the said LTOA shall stand terminated on the date upto which it was initially granted.

Procedure for Medium Term Open Access involving only intra-State transmission system:

Subject to the provisions of these regulations, intra-State MTOA involving intra-State transmission system shall be in accordance with the provisions of clause (a) to (f) herein below:

The application for grant of MTOA shall contain such details as may be laid down under the detailed procedure and shall, in particular, include the point of injection into the grid, point of drawal from the grid and the quantum of power for which MTOA has been applied for.

The start date of the MTOA shall not be earlier than 5 months and not later than 1 year from the last day of the month in which application has been made.

On receipt of the application, the Nodal Agency shall, in consultation and through coordination with other agencies involved in intra-State transmission, process the application and carry out the necessary system studies as expeditiously as possible so as to ensure that the decision to grant or refuse MTOA is made within the timeframe specified in these regulations:

Provided that in case the Nodal Agency faces any difficulty in the process of consultation or coordination, it may approach the Commission for appropriate directions.

On being satisfied that the requirements of eligibility for MTOA is met by the Applicant, the Nodal Agency shall grant MTOA for the period stated in the application:

Provided that for reasons to be recorded in writing, the Nodal Agency may grant MTOA for a period less than that sought for by the applicant;

Provided further that the applicant shall sign an agreement for MTOA with the State Transmission Utility, in accordance with the provision as may be made in the detailed procedure. While seeking MTOA to an intra-State transmission licensee, other than the State Transmission Utility, the applicant shall sign a tripartite MTOA agreement with the State Transmission Utility and the intra-State transmission licensee. The MTOA agreement shall contain the date of commencement and end of MTOA, the point of injection of power into the grid and point of drawal from the grid, the details of dedicated transmission lines required, if any, the bank guarantee required to be given by the applicant and other details in accordance with the detailed procedure.

Immediately after grant of MTOA, the Nodal Agency shall inform the State Load Despatch Centre so that it can consider the same while processing requests for STOA received under these regulations.

On expiry of the period of the MTOA, the medium term Consumer shall not be entitled to any overriding preference for renewal of the term.

Procedure for short-term Open Access involving inter-State transmission system:

Notwithstanding anything contained in these regulations, procedure for inter-State STOA shall be as per Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008, or its statutory re-enactments, as amended from time to time:

Provided that in respect of a Consumer connected to a distribution system seeking inter-State short-term Open Access, the SLDC, before giving its consent to the RLDC as required under the Central Commission's regulations, shall require the Consumer to submit the consent of the distribution licensee concerned.

Procedure for Short Term Open Access involving intra-State transmission system:

Subject to the provisions of these regulations, intra-State STOA shall be in accordance with the provisions laid herein below:

Open Access in advance

Application may be submitted to the Nodal Agency seeking STOA up to the fourth month, considering the month in which an application is made being the first month.

Separate application shall be made for each month and for each transaction in a month.

The application to the Nodal agency shall be on the prescribed format containing such details as capacity needed, generation planned or power purchase contracted, point of injection, point of drawal, duration of availing Open Access, peak load, average load and such other additional information as may be required by the Nodal agency. The application shall be accompanied by a non-refundable application fee in cash or by demand draft in favour of the officer so notified by Nodal agency.

An application for grant of Open Access commencing in any month may be submitted in a cover marked —Application for Short-Term Open Access – in advance up to 15th day of the preceding month. For example, application for grant of Open Access commencing in the month of July shall be received up to 15th day of June.

Nodal agency shall acknowledge receipt of the application by indicating time and date on —Acknowledgement to the applicant.

A Consumer of distribution licensee intending to avail Open Access shall also furnish a copy of his application to the distribution licensee of his area of supply.

Based on the type of transactions Nodal agency shall take a decision on the applications for STOA in the manner provided herein below.

All applications received under sub-sub-clause (d) above shall be taken up for consideration together and processed as per allotment priority criteria specified under these regulations.

Nodal agency shall check transaction for congestion of any element (line and transformer) of transmission and distribution system involved in transaction.

Nodal agency shall convey grant of Open Access or otherwise in prescribed format along with schedule of payments to the Consumer latest by 21st day of such preceding month.

Nodal agency shall assign specific reasons if Open Access is denied.

Day-Ahead Open Access

An application for grant of day-ahead Open Access may be received by Nodal Agency within three days prior to the date of scheduling but not later than 1300 Hours of the day immediately preceding the day of scheduling for day-ahead transaction.

For example: Application for day-ahead transaction on 25th day of July shall be received on 22nd day or 23rd day or upto 1300 hours on 24th day of that month.

Nodal Agency shall check for congestion and convey grant of approval or otherwise in prescribed format at the earliest. All other provisions of application for STOA shall apply.

Procedure for scheduling transaction in a contingency

In the event of a contingency, **the Open Access consumer** may locate a source of power to meet short-term contingency requirement even after the cut-off time of 13:00 hrs of the preceding day and apply to the Nodal Agency for Open Access and scheduling and in that event, the Nodal Agency shall endeavour to accommodate such request as soon as and to the extent practically feasible, in accordance with the detailed procedure.

Bidding Procedure

Bidding procedure shall be as defined below:

If the capacity sought by the Consumers for Open Access in Advance for the following month is more than the available capacity or SLDC perceives congestion of any element of transmission and distribution system involved in the transaction, the allocation shall be made through electronic bidding procedure.

The decision of SLDC in respect of an expected congestion shall be final and binding.

SLDC shall convey information of congestion and decision for invitation of bidding indicating floor price in prescribed format to the applicants.

SLDC shall also display the bidding information on its website.

The floor price of transmission and wheeling charges determined on the basis of relevant order of the Commission shall be indicated in prescribed format.

The bids shall be accepted in prescribed format up to the bid closing time as indicated in bidding invitation format. Modification / amendment to a bid, once submitted shall not be entertained.

If any Consumer does not participate in bidding process, his application shall be deemed to have been withdrawn and shall not be processed.

SLDC shall not entertain any request for extension of time/date for submission of bids.

The bidders shall quote price (rounded-off to whole number) in denomination in which floor price has been determined.

The quoted price shall be arranged in descending order and allocation of available capacities shall be accorded in such descending order until the available capacity is exhausted.

In case of equal price quoted by two or more Consumers, the allocation from the residual available capacity at any stage shall be made in proportion to capacity being sought by such Consumers.

All Consumers, in favour of whom full capacities have been allotted, shall pay the highest price obtained from bids.

The Consumers, who are allotted less capacity, shall pay the price as quoted by them.

SLDC shall reject bids which are incomplete, vague in any manner or not found in conformity with the bidding procedure.

The successful bidder, in favour of whom the capacities have been allocated, shall pay transmission charges, wheeling charges, as the case may be, determined by bidding process.

The reserved capacity by a short-term Open Access Consumer is not transferable to others.

The capacity available as a result of surrender or reduction or cancellation of the reserved capacity by the State Load Dispatch Centre, may be reserved for any other STOA Consumer in accordance with these regulations.

On expiry of the period of the STOA, the short term Consumer shall not be entitled to any overriding preference for renewal of the term.

Consent by STU, SLDC or Distribution Licensee**Inter-State Open Access:**

STU in the case of application for grant of LTOA and Medium Term Open Access and SLDC in the case of grant of STOA shall convey its consent or otherwise as per the provisions respectively of Central Electricity Regulatory Commission (Grant of Connectivity, LTOA and Medium Term Open Access in inter-State Transmission and related matters) Regulations, 2009 and Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008, or their statutory re-enactments, as amended from time to time. In case of applicant connected to the distribution licensee, the said distribution licensee shall convey its consent or otherwise within 3 working days of receipt of the request of the applicant.

Intra-State Open Access:

In respect of a Consumer connected to a distribution system seeking Open Access, such Consumer shall be required to submit the consent of the distribution licensee concerned. The distribution licensee shall convey its consent to the applicant by e-mail or fax or by any other usually recognised mode of communication, within three (3) working days of receipt of the application.

While processing the application from a generating station seeking consent for Open Access, the distribution licensee shall verify the following, namely:-

Existence of infrastructure necessary for time-block-wise energy metering and accounting in accordance with the provisions of the State Grid Code in force,

Availability of capacity in the distribution network, and.

Availability of RTU and communication facility to transmit real- time data to SLDC.

Where existence of necessary infrastructure and availability of capacity in the distribution network has been established, the distribution licensee shall convey its consent to the applicant by e-mail or fax or by any other usually recognised mode of communication, within three (3) working days of receipt of the application.

In case the Nodal Agency finds that the application for consent is incomplete or defective in any respect, it shall communicate the deficiency or defect to the applicant by e-mail or fax or by any other usually recognised mode of communication, within two (2) working days of receipt of the application:

In case the application has been found to be in order but the distribution licensee refuses to give consent on the grounds of non-existence of necessary infrastructure or unavailability of surplus capacity in the distribution network, such refusal shall be communicated to the applicant by e-mail or fax or by any other usually recognized mode of communication, within the period of three (3) working days from the date of receipt of the application, along with reasons for such refusal:

Where the distribution licensee has not communicated any deficiency or defect in the application within two (2) working days from the date of receipt of application, or refusal or consent within the specified period of three (3) working days from the date of receipt of the application consent shall be deemed to have been granted.

Consideration of applications from defaulters

Notwithstanding anything contained in these regulations, the Nodal Agency shall be at liberty to summarily reject an application for Open Access on the ground of non-compliance of the provisions of these regulations, more specifically the provisions relating to timely payment of the charges leviable hereunder.

Allotment Priority

The priority for allotment of Open Access in intra-State transmission system shall be decided on the following criteria:

A distribution Licensee shall have the highest priority in allotment of Open Access capacity irrespective of whether the Open Access request is for LTOA, MTOA or STOA.

The LTOA applicants shall have the priority next to the distribution licensee.

The MTOA applicants shall have the priority next to the LTOA applicants.

The STOA applicants shall have the priority next to MTOA applicants. Allotment priority for short-term Open Access applicants shall be decided subject to capacity availability.

When the requirement projected by an applicant is more than the available capacity and the said applicant is not able to limit his requirement to the available capacity, the request of applicant having next lower priority shall be taken up for consideration.

CHAPTER V:

OPEN ACCESS CHARGES

Transmission/ distribution charges

The charges for use of the system of the licensee for intra-State transmission or distribution shall be regulated as under, namely: -

The charges **for use of the intra-state transmission system/ distribution system** shall be determined by the Commission in accordance with the terms and conditions of tariff notified by the Commission from time to time and after deducting the adjustable revenue from the short-term Consumers, these charges shall be shared by the long-term **open access Consumers and medium-term open access Consumers as per allotted capacity proportionately;**

The charges payable by a short-term Consumer shall be calculated in accordance with the following methodology:

$$\text{ST_RATE} = 0.5 \times [\text{AFC} / \text{Av_CAP}] / 365$$

Where:

“*ST_RATE*” is the rate for short-term access Consumer in Rs per MW per day.

“*AFC*” means the Annual Fixed Transmission/Distribution Charges of the S.T.U transmission or distribution licensee for the previous financial year determined by the Commission.

“*Av_CAP*” means the average electrical power in MW served by the system during the previous financial year.

The charges payable by a short-term Consumer shall be for one day for availing access for each day or part thereof.

Non-availability of AFC for the system shall not be reason for delay in providing transmission access and where AFC for any transmission licensee are not available, the per MW per day charge applicable for the system owned by the State Transmission Utility of the region in which the system of transmission licensee is situate, shall be used.

Every licensee shall declare and exhibit short-term Open Access rate worked out as per these regulations in Rs per MW per day. Rates shall remain fixed for a period of one year.

50% of the charges collected from the short-term Consumer shall be retained by the licensee and the balance 50% shall be adjusted towards reduction in the charges payable by the long-term **and medium term** consumers.

Scheduling and system operation charges

Scheduling and system operation charges shall be payable by the Open Access Consumers at the following rates:

In respect of Inter-State Open Access**Charges for LTOA and MTOA**

- i. Regional Load Despatch Centre fees and charges including charges for the Unified Load Despatch and Communication Scheme as specified by the Central Commission.
- ii. State Load Despatch Centre fees and charges as specified by the Commission.

Charges for STOA

- i. Regional Load Despatch Centre and SLDC fees and charges as specified by the Central Commission/ Commission.

In respect of Intra-State Open Access**Charges for LTOA and MTOA**

- i. LTOA and MTOA Consumers shall be liable to pay SLDC fees and charges determined by the Commission.
- ii. This charge includes fee for scheduling and system operation, energy accounting, fee for affecting revisions in schedule on bonafide grounds and collection and disbursement of charges

Charges for STOA

- i. A composite operating charge @ Rs.2,000/- per day or part of the day shall be payable by a STOA Consumer for each transaction to the SLDC or as determined by the Commission from time to time.
- ii. This charge includes fee for scheduling and system operation, energy accounting, fee for affecting revisions in schedule on bonafide grounds and collection and disbursement of charges

Cross-subsidy Surcharge

If Open Access is availed by a Consumer of a distribution licensee of the State, then such Consumer, in addition to payment of transmission and / or wheeling charges, shall pay cross subsidy surcharge. Cross subsidy surcharge on per unit basis shall be payable, on monthly basis, by the Open Access Consumer for the actual energy drawn through Open Access during the month. The amount of surcharge shall be paid to the distribution licensee of the area of supply in which such Consumer is located:

Provided that such surcharge shall not be levied on a person who has established a captive generation plant and carries the electricity to the destination of his own use.

Cross subsidy surcharge shall also be payable by such Open Access Consumer who receives supply of electricity from a person other than the distribution licensee in whose area of supply he is located.

The Consumers located in the area of supply of a distribution licensee but availing Open Access exclusively on inter-State transmission system shall also pay the cross subsidy surcharge.

The Cross subsidy surcharge shall be determined by the Commission in accordance with the principles and formula stipulated in the National Tariff Policy and shall be leviable at the rate as determined by the Commission from time to time.

Additional Surcharge

An Open Access Consumer, receiving supply of electricity from a person other than the distribution licensee of his area of supply, shall pay to the distribution licensee an additional surcharge in addition to Transmission/ distribution charges and cross-subsidy surcharge, to meet out the fixed cost of such distribution licensee arising out of his obligation to supply as provided under sub-section (4) of Section 42 of the Act:

Provided that such additional surcharge shall not be levied in case Open Access is provided to a person who has established a captive generation plant for carrying the electricity to the destination of his own use.

This additional surcharge shall become applicable only if the obligation of the licensee in terms of power purchase commitments has been and continues to be stranded or there is an unavoidable obligation and incidence to bear fixed costs consequent to such a contract. However, the fixed costs related to network assets would be recovered through wheeling charges.

The distribution licensee shall submit to the Commission, on six-monthly-basis, the details regarding the quantum of such stranded costs and the period over which these remained stranded and would be stranded. The Commission shall scrutinize the statement of calculation of such stranded fixed costs submitted by the distribution licensee and determine the amount of additional surcharge:

Provided that any additional surcharge so determined shall be applicable to all the Consumers availing Open Access from the date of determination of same by the Commission

The Consumers located in the area of supply of a distribution licensee but availing Open Access exclusively on inter-State transmission system shall also pay the additional surcharge.

Additional surcharge determined on per unit basis shall be payable, on monthly basis, by the Open Access Consumers based on the actual energy drawn during the month through Open Access.

Standby power and standby charges for drawl of power by Open Access Consumer from distribution licensee

If an Open Access Consumer requires power from the distribution licensee in case of outage of the generator or the source supplying power to such Open Access Consumer, or a generator connected to distribution system injecting power through Open Access, requires start up power from the distribution licensee, then such Open Access Consumer or generator may make an application to the distribution licensee seeking standby power. The application shall be made on format and in the manner as may be prescribed in the detailed procedure.

The distribution licensee shall provide standby power to such Open Access Consumer subject to availability of requisite quantum of power and subject to the technical constraints in the concerned area of supply.

For providing standby power, the distribution licensee shall be entitled to charge applicable temporary supply tariff and other applicable charges besides PLEC, if applicable, as determined by the Commission.

Provided further that the Open Access Consumers would have the option to arrange standby power from any other source subject to the conditions that such power shall be drawn through the same system for which Open Access has been granted.

Provided that provisions related to 'standby power' as specified in these Regulations shall supersede the provisions related to standby power specified in the JSERC (Balancing & Settlement Mechanism for Open Access) Regulations, 2010.

Imbalance Charge

Scheduling of all transactions pursuant to grant of LTOA or MTOA or STOA shall be carried out on day-ahead basis in accordance with the relevant provisions of IEGC/ CERC Open Access Regulations for inter-State transactions and in accordance with State Grid Code/ Commission's orders for intra-State transactions from time to time.

Deviations between the schedule and the actual injection/drawal in respect of an Open Access Consumer, **who is not an embedded open access consumer**, shall come under the purview of the intra-State ABT, as notified by the Commission and shall be settled based on the composite accounts for imbalance transactions issued by SLDC on a weekly cycle based on net metering in accordance with the UI charges specified by the Commission.

Provided till the time intra state ABT mechanism is not notified by the Commission, any deviation in schedule and the actual injection/drawal shall be settled in accordance with the provisions of Deviation Settlement Mechanism notified by CERC on time to time basis.

Billing, collection and disbursement of any amounts under the above transactions shall be in accordance with the Commission's orders on intra-State ABT, as may be applicable from time to time.

In case of deviation by an **embedded Open Access Consumer**, the difference between the applicable scheduled Open Access load and actual drawl shall be accounted for each 15-minute block. **In case of deviation from the scheduled energy drawl, Consumer shall be liable to pay for such deviation charges as per the procedure specified under JSERC (Balancing & Settlement Mechanism for Open Access) Regulations, 2010 and as amended from time to time.**

Provided that in case of under drawl as a result of non-availability of the distribution system or unscheduled load shedding, the Open Access Consumers shall be compensated by the distribution licensee at the rate of compensation notified by the Commission under standard of performance regulations for relevant category of Consumers.

Reactive Energy Charges

The **Open Access Consumers** are expected to provide VAR compensation in such a way that there is no drawal/ injection of reactive power from the transmission/distribution network. The **open access consumers** will have to pay/ receive reactive energy charge as per the following rules:

The **Open Access Consumer** will pay to Distribution Licensee for VAR drawal (measured by interface meter) when voltage at the interface metering point is below 97%;

The **Open Access Consumer** will be paid by Distribution Licensee for VAR injection (measured by interface meter) when voltage at the interface metering point is below 97%;

The **Open Access Consumer** will be paid by Distribution Licensee for VAR drawal (measured by interface meter) when voltage at the interface metering point is above 103%;

The **Open Access Consumer** will pay to Distribution Licensee for VAR injection (measured by interface meter) when voltage at the interface metering point is above 103%.

Parallel Operation Charges

Parallel operation charges shall be applicable on open access consumers having a captive power plant running in parallel to the grid of distribution and transmission licensees.

Parallel operation charges shall be charged at the rate of Rs per KVA per month and shall be determined by the Commission on time to time.

Parallel operation charges shall be levied on the installed capacity or the aggregate name plate capacity of the captive generating plants connected with the grid. If install capacity of captive power plant is recorded in MW then the designed power factor recorded in name plate generator shall be used for the purpose of arriving MVA capacity.

CHAPTER VI:

Scheduling, Metering and Losses

Scheduling

Notwithstanding anything contained in the succeeding clauses of this regulation, scheduling of inter-State Open Access transactions shall be as specified by the Central Commission.

Subject to the foregoing clause, intra-State Open Access transactions in respect of all Consumers and generating stations irrespective of the capacity shall be scheduled by SLDC in accordance with the provisions of the State Grid Code and these Regulations.

Compliance and Grid Discipline

The open access consumer shall abide by the Indian Electricity Grid Code, the State Grid Code and instructions given by State Transmission Utility and State Load Dispatch Centre as applicable from time to time.

The open access consumer shall also comply with the requirements of the CEA (Technical Standards for Connectivity to the Grid) Regulations, 2007 as amended from time to time.

The open access consumer shall restrict the sum of his total drawl from all sources including open access and Distribution Licensee up to the total sanctioned contract demand with the Distribution Licensee.

Provided that open access may be allowed over and above the contract demand to a consumer who sources power both by captive generation and Discom to the extent of captive power supply subject to availability of transmission and/or distribution system as the case may be.

Provided further that long term open access may be allowed over and above the contract demand to the extent of sanctioned open access capacity

The long term/ medium term open access consumer shall provide the injection schedule at the generator end and drawl schedule at the supply end to SLDC, supplier end Distribution Licensee and to the consumer end Distribution Licensee before 10.00 AM of the day preceding the day of scheduling. The Injection schedule shall have the open access consumer and supplier identification.

The short term open access consumer shall provide the injection/ drawal schedule for intra-State transactions every day to the SLDC and the Distribution Licensee before 10:00 AM of the day preceding the day of drawl/injection as per the open access capacity sanctioned.

The declared schedule shall be used to assess the deemed energy drawl of open access consumer from the distribution licensee for the day of energy drawl.

The declared open access schedule for Embedded Open Access Consumers undertaking Short Term Open Access shall be on round the clock basis (i.e. for 24 Hrs) and shall remain uniform for at least a period of 8 hours.

Metering

The Open Access Consumer shall provide ABT compatible Special Energy Meters at the point(s) of injection and point(s) of drawal, if not already provided. Special Energy Meters installed shall be capable of time-differentiated measurements for time-block-wise active energy and voltage differentiated measurement of reactive energy in accordance with the State Grid Code.

Special Energy Meters shall always be maintained in good condition.

Special Energy Meters shall be open for inspection by any person authorized by the State Transmission Utility, State Load Despatch Centre or the distribution licensee.

The Open Access Consumer shall provide Main Meters on his premises as specified in the State Grid Code.

The **Open Access Consumer** shall provide along with Main Meters, Check Meters of the same specifications as Main Meters at the point(s) of injection and point(s) of drawal.

The Main and Check Meters shall be periodically tested and calibrated by State Transmission Utility / distribution licensee as per State Grid Code and norms of Central Electricity Authority.

Readings of Main and Check Meters shall be taken periodically at appointed day and hour by the officer of distribution licensee authorized in this regard as per procedure specified in State Grid Code.

Meter readings shall be immediately communicated by the distribution licensee within 12 hours to State Load Despatch Centre State Transmission Utility, Consumer and generating company/ or the trading licensee, as the case may be.

An Open Access Consumer may request the distribution licensee to provide Main and Check Meters which shall be maintained by the distribution licensee and provided it is available with the distribution licensee. In such a case the open access consumer shall provide security deposit to the distribution licensee and shall pay the requisite charges as per Schedule of General Charges, rentals for the Main & Check Meter(s).

Provided that in case Open Access Consumer opts to get the Special Energy Meters tested and/or installed by the distribution licensee, the same shall be done by depositing the requisite fees to the distribution licensee.

Main and Check Meters shall have facility to communicate their readings/data to the State Load Despatch Centre on real time basis.

The procedure for joint sealing, replacement of defective meter, billing in the event of meter(s) becoming defective shall be followed as laid down in the State Grid Code.

All the Open Access Consumers shall abide by the metering standards notified by the Central Electricity Authority (CEA) vide its notification dated 17 March, 2006, as amended from time to time.

Energy Losses

Inter-State Open Access

LTOA and MTOA: The buyers/ seller of electricity shall bear apportioned energy losses in the transmission system in accordance with the provisions specified by the Central Commission.

STOA: The buyers and sellers of electricity shall absorb apportioned energy losses in the transmission system in accordance with the provisions specified by the Central Commission.

Intra-State Open Access

The transmission and distribution losses for the Intra-State System shall be determined by the Commission in its Tariff Order for the applicable year and shall be apportioned in proportion to the actual energy drawl by the Open Access Consumer. The energy losses shall be compensated by additional injection at the injection point(s). However, for energy drawl, energy losses shall be adjusted in the same nature with the quantum declared at drawl point(s).

The Open Access Consumers availing supply at 220/132 kV, shall be required to bear only the transmission losses whereas the Consumers availing supply at 66/33 kV shall bear 15% of the distribution losses in addition to transmission losses. The Open Access Consumers connected at 11 KV shall bear 40% of the distribution losses in addition to transmission losses.

CHAPTER VII: **COMMERCIAL MATTERS**

Billing, collection and disbursement

Billing in respect of the charges payable under these regulations shall be made as per the following procedure:

Inter-State transactions

Short Term Open Access:

Collection and disbursement of transmission charges for use of CTU and STU systems and operating charges payable to RLDCs and SLDCs towards short term Open Access shall be made by the nodal RLDC in accordance with the procedure specified by the Central Commission.

The STOA Consumer connected to distribution system of a distribution licensee shall pay to such distribution licensee the wheeling charges payable to the distribution licensee within 3 working days from the grant of the STOA by the Nodal Agency.

In case of collective transactions, the transmission and wheeling charges for the State network and operating charges for the State Load Despatch Centre shall be settled directly by the Power Exchange with the respective State Load Despatch Centre.

Long Term Open Access and Medium Term Open Access:

Billing, collection and disbursement of charges payable to RLDC including Unified Load Despatch and Communication Scheme shall be in accordance with the procedure specified by the Central Commission

Bills towards the charges payable to SLDC and STU shall be raised by the STU directly to the Open Access Consumer connected to STU and to the distribution licensee in respect of the Consumers connected to the distribution system, before 3 working days of the succeeding calendar month.

Distribution licensee shall raise the bill with the Open Access Consumer connected to it within 3 working days of receipt of bill from STU.

Open Access Consumer connected to the distribution licensee shall pay the charges within five days of receipt of bill from distribution licensee. The distribution licensee shall disburse the amount payable to STU within 3 working days.

Open Access Consumer connected to the STU shall pay the bills within 5 working days of receipt of the bill.

Intra-State transactions

The transmission charges and wheeling charges in respect of STOA Consumers shall be payable to SLDC who shall pass on these charges to STU and distribution licensee respectively within a period of 3 working days. These charges in respect of MTOA and LTOA Consumers shall be payable directly to respective licensees.

The surcharge and additional surcharge shall be payable directly to the distribution licensee in whose area of supply the Consumer availing Open Access is located.

The Operation Charges in respect of Open Access Consumers shall be paid to the State Load Despatch Centre.

The Reactive Energy Charges and Unscheduled Interchange charges as determined by SLDC shall be paid to the distribution licensee in whose area of supply the Consumer availing Open Access is located.

Late payment surcharge

In case the payment of any bill for charges payable under these regulations is delayed by an Open Access Consumer beyond the due date, without prejudice to any action under the Act or any other regulation there under, a late payment surcharge at the rate of 1.25% per month or part thereof shall be levied.

Default in payment

Non-payment of any charge or sum of money payable by the Open Access Consumer under these Regulations (including imbalance charges) shall be considered non-compliance of these Regulations and shall be liable for action under section 142 of the Act in addition to action under section 56 of the Act. The STU or any other transmission licensee or a distribution licensee may discontinue Open Access after giving Consumer an advance notice of seven days or less, as appropriate, without prejudice to its right to recover such charges by suit.

In case of default in payment of charges due to the Load Despatch Centre, the Load Despatch Centre concerned may refuse to schedule power to the defaulting Open Access Consumer and direct the licensee concerned to disconnect such Consumer from the grid.

|

Payment Security Mechanism**For Long Term & Medium Term Open Access Consumer**

As a payment security towards transmission charges, open access consumer shall deposit an amount equal to 3 months of the transmission charges for allotted open access capacity with the State Transmission Utility.

As a payment security towards SLDC charges, open access consumer shall deposit an amount equal to 3 months of the SLDC fee and charges including scheduling and operating charges for allotted open access capacity with the State Load Dispatch Centre;

As a payment security towards wheeling charges, cross subsidy surcharge and additional surcharge, a deposit equal to 3 months of billing for these charges for allotted open access capacity shall be maintained with the Distribution Licensee of the area of supply;

Provided that unity power factor shall be considered for the purpose of unit conversion from MVA/kVA to MW/kW or vice versa.

Provided further that, in case of an existing open access consumer availing open access for more than a financial year, security shall be revised on the basis of average monthly open access charges of the previous financial year.

Provided further that, the IPPs/ CPPs selling power outside the State, shall also deposit a security towards under injection, if any, with the Distribution Licensee, equivalent to 10% of the proposed monthly contracted generation for sale, at the energy charge rate of HT Industrial tariff, the amount of which shall be recalculated after the actual sale of the previous quarter of the financial year.

Long Term/ Medium Term Open Access Consumer shall open an irrevocable letter of credit or maintain a bank guarantee equivalent to the estimated security amount in favour of the agency responsible for collecting and disbursement of charges.

For Short Term Open Access Consumer

An open access consumer shall pay the transmission charges, SLDC charges, wheeling charges, surcharge, additional surcharge, and such other charges as applicable, in advance for the period for which the open access has been granted.

The Short Term Open Access Consumer shall open an irrevocable letter of credit or maintain a bank guarantee equivalent to the estimated security amount in favour of the agency responsible for collecting and disbursement of charges.

CHAPTER VIII:
INFORMATION SYSTEM

Information system

The State Load Dispatch Centre shall post following information on its website in a separate web page titled “Open Access Information” and also issue a monthly and annual report containing such information:

A status report on the current LTOA, MTOA and STOA Consumers indicating:

Name of Open Access Consumer;

Period of Open Access granted (date of commencement and date of termination);

Point(s) of injection;

Point(s) of drawal;

Supply voltage at injection and drawal points; and

Open Access capacity used;

The information regarding average loss in transmission and distribution system as determined by the Commission in Tariff Order for the applicable year;

The information regarding rate of surcharge payable by the Open Access Consumers.

The information shall be updated upon every change in status. All previous reports shall be available in the web - archive.

|

CHAPTER IX:
MISCELLANEOUS

Under-Utilisation or Non-Utilisation of Open Access capacity in intra-State transmission system

A long-term Consumer may relinquish the LTA rights fully or partly before the expiry of the full term of LTOA, by making payment of compensation for stranded capacity as follows:

Long-term Consumer who has availed access rights for at least 12 years

Notice of one (1) year – If such a Consumer submits an application to the State Transmission Utility at least 1 (one) year prior to the date from which such Consumer desires to relinquish the access rights, there shall be no charges.

Notice of less than one (1) year – If such a Consumer submits an application to the State Transmission Utility at any time lesser than a period of 1 (one) year prior to the date from which such Consumer desires to relinquish the access rights, such Consumer shall pay an amount equal to 60% of the estimated transmission charges (in terms of net present value) for the stranded transmission capacity for the period falling short of a notice period of one (1) year.

Long-term Consumer who has not availed access rights for at least 12 (twelve) years

Such Consumer shall pay an amount equal to 60% of the estimated transmission charges (in terms of net present value) for the stranded transmission capacity for the period falling short of 12 (twelve) years of access rights:

Provided that such a Consumer shall submit an application to the State Transmission Utility at least 1 (one) year prior to the date from which such Consumer desires to relinquish the access rights:

Provided further that in case a Consumer submits an application for relinquishment of LTOA rights at any time at a notice period of less than one year, then such Consumer shall pay an amount equal to 60% of the estimated transmission charges (net present value) for the period falling short of a notice period of one(1) year, in addition to 60% of the estimated transmission charges (in terms of net present value) for the stranded transmission capacity for the period falling short of 12 (twelve) years of access rights.

The discount rate that shall be applicable for computing the net present as referred in Regulations 0 and 0 above, shall be the discount rate to be used for bid evaluation in the Central Commission's notification issued from time to time in accordance with the guidelines for determination of tariff by bidding process for procurement of power by distribution licensees issued by the Ministry of Power.

The compensation paid by the long-term Consumer for the stranded transmission capacity shall be used for reducing transmission charges payable by other LTOA Consumers and MTOA Consumers in the year in which such compensation payment is due in the ratio of transmission charges payable for that year by such LTOA Consumers and MTOA Consumers.

In addition to the above, for Consumers who were also provided any dedicated transmission and/or distribution systems, the penalty payable for such dedicated capacity shall be 100% of the charges payable by such Consumer for balance period of allocation, unless alternative users are there for use of such dedicated capacity.

Medium-term Open Access Consumers

A MTOA Consumer may relinquish rights, fully or partly, by giving at least 30 days prior notice to the Nodal Agency:

Provided that the MTOA Consumer relinquishing its rights shall pay applicable transmission charges for the period of relinquishment or 30 days whichever is lesser.

Short-term Open Access Consumer

The STOA schedules accepted by the Nodal Agency in Advance basis may be cancelled or revised downwards on an application to that effect made to the Nodal Agency by the STOA Consumer:

Provided that such cancellation or downward revision of the short-term Open Access schedules shall not be effective before expiry of a minimum period of two (2) days from the date of application:

Provided further that the day on which notice for cancellation or downward revision of schedule is served on the Nodal Agency and the day from which such cancellation or downward revision is to be implemented, shall be excluded for computing the period of two (2) days.

The person seeking cancellation or downward revision of STOA schedule shall pay the transmission charges for the first two (2) days of the period for which the cancellation or downward revision of schedule, as the case may be, has been sought, in accordance with the schedule originally approved by the Nodal Agency, and thereafter in accordance with the revised schedule prepared by the Nodal Agency during the period of such cancellation or downward revision.

In case of cancellation, operating charges specified in these regulations shall be payable for two (2) days or the period of cancellation in days, whichever is less.

Computation of capacity availability for Open Access

The capacity available for the Open Access shall be computed for each transmission segment and for every sub-station by the STU following the methodology given below:

- a) Available Open Access capacity of a transmission system segment: = (DC-SD-AC) + NC - ND where, DC=Designed capacity of the transmission segment in MW, SD = Sustained demand (peak load experienced) in MW recorded in the segment, AC =

Already allotted capacity, but not availed in MW, NC = New capacity in MW expected to be added and ND = New Demand expected to be added.

- b) Available Open Access capacity of a sub-station: = $(TC-SP-AC)+NC - ND$ where, TC = Transformer capacity of the sub-station in MVA, SP = Sub-station peak in MVA, AC = Already allotted capacity but not availed in MVA, NC = New transformer capacity in MVA expected to be added and ND = New Demand expected to be added.
- c) The STU shall update these values on monthly basis on the first calendar day of the month and publish it in its website.

The appropriate distribution licensee shall determine the available capacity for allotment for the portion of the distribution system over which Open Access has been requested for.

Curtailment Priority

The State Load Despatch Centre may curtail power flow on any transmission corridor by cancelling or rescheduling any transaction, if in its opinion cancellation or curtailment of such transaction is likely to relieve any transmission constraint on the corridor or to improve grid security. However, in all such cases of cancellation or curtailment, the SLDC will, as soon as practicable, intimate in writing to the Consumer the reasons therefor.

Subject to provisions of the State Grid Code/ IEGC, cancellation/curtailment will be effected as under:

- a) Short term transaction(s) will be cancelled or curtailed first, followed by medium term transactions, which shall be followed by long term transaction(s).
- b) Among short term transactions, bilateral transaction will be cancelled or curtailed first, followed by collective transactions.
- c) Open Access to a distribution licensee will be the last to be curtailed within a category.
- d) Curtailment will be effected on a pro-rata basis amongst the Consumers of a particular category.

In case of curtailment of the approved schedule by the State Load Despatch Centre, transmission and wheeling charges shall be payable pro-rata in accordance with the curtailed schedule.

Full operating charges specified in these regulations will be payable irrespective of curtailment, if any.

The State Transmission Utility shall develop the guidelines in this regard in consultation with SLDC, within 60 days of notification of these Regulations and submit the same to the Commission for approval.

Quantum of Renewable Energy Purchase Obligation (RPO)

Each Open Access Consumer shall fulfill its RPO as per Jharkhand State Electricity Regulatory Commission (Renewable Energy Purchase Obligation and its Compliance) Regulations, 2016 and as amended from time to time. The RPO shall be met by Open Access Consumers either by purchase of electricity (in kWh) from renewable sources or by purchase of Renewable Energy Certificate(s) (RECs) from the Power Exchange(s).

Redressal Mechanism

All disputes and complaints relating to Open Access shall be referred to the Commission. However, the disputes and complaints regarding metering and billing etc. shall be first referred to the Commercial and Metering Committee constituted under the State Grid Code. The Committee shall investigate and endeavor to resolve the grievance within 30 days; and if the Committee is unable to redress the grievance, it shall be referred to the Commission by the Committee or the Open Access Consumer.

Fee for Approaching the Commission

The fee payable for approaching the Commission for redressal of issues relating to Open Access shall be as per Jharkhand State Electricity Regulatory Commission (Fee) Regulations, 2005, as amended from time to time. This will be besides any other fee payable under these regulations. No fee shall be payable to the Commission in case the matter is referred to the Commission by the Committee to under redressal mechanism.

Powers to Remove Difficulties

If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may by general or special order, direct the State Transmission Utility, State Load Despatch Centre, licensees and the Open Access Consumers, to take such action, as may appear to the Commission to be necessary or expedient for the purpose of removing difficulties.

Power to Amend

The Commission may, at any time add, vary, alter, modify or amend any provision of these Regulations.

Repeal and Savings

The Jharkhand State Electricity Regulatory Commission (Open Access) Regulations, 2005, as amended from time to time, shall stand repealed from the date of commencement of these Regulations.

Notwithstanding such repeal, anything done or purported to have been done under the repealed regulations shall be deemed to have been done or purported to have been done under these Regulations.

(By order of the Commission)

A.K. Mehta,

Secretary

Jharkhand State Electricity Regulatory Commission
